

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	Case No. 08-37782
ALPHA RED, INC.,	§	
	§	Chapter 7
Debtor	§	

TRUSTEE’S OBJECTION TO CLAIM OF MYRIAD SUPPLY COMPANY (CLAIM 55)

NOTICE PURSUANT TO LOCAL RULE 3007-1

This is an objection to your claim. This objection asks the Court to disallow the claim that you filed in this bankruptcy case. If you do not file a response within 30 days after the objection was served on you, your claim may be disallowed without a hearing.

A HEARING HAS BEEN SET ON THIS MATTER ON MARCH 2, 2022 AT 10:00 A.M. IN COURTROOM 404, UNITED STATES COURTHOUSE, 515 RUSK, HOUSTON, TEXAS 77002.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Douglas J. Brickley, Trustee (the “Trustee”) of the bankruptcy estate of Alpha Red, Inc. (the “Debtor”), and files this Objection to Claim of Myriad Supply Company (Claim 55), and in support of the objection respectfully represents as follows:

1. This case was commenced by the filing of a voluntary chapter 11 petition by the Debtor on December 3, 2008 (the “Petition Date”). Douglas J. Brickley was appointed chapter 11 trustee on December 11, 2008. On December 23, 2008, the case was converted to chapter 7 and Douglas J. Brickley was appointed the chapter 7 trustee thereafter.

2. Myriad Supply Company (“Claimant”) filed a claim in this case in the amount of \$739,074.83 on September 10, 2010. The claim is attached hereto as Exhibit “A”. Claimant

asserts a general unsecured claim for \$122,026.07, and a priority claim for \$617,048.76.¹ According to the attachment to the claim, the priority portion is in fact an administrative claim incurred after the Petition Date.

3. As such, the priority portion of the claim is objectionable since Claimant failed to obtain an order allowing such claim as a chapter 11 administrative claim as required by Section 503(b).²

4. Accordingly, the Trustee objects to allowance of Claimant's priority portion of its claim in the amount of \$617,048.76 and requests that such portion of the claim be disallowed.

5. The affidavit of the Trustee in support of this objection is attached hereto as Exhibit "B".

WHEREFORE, the Trustee prays that this Court disallow the priority portion of Claimant's claim; and that he be granted such other and further relief to which he may be justly entitled.

OKIN ADAMS LLP

By: /s/ Timothy L. Wentworth

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**ATTORNEYS FOR DOUGLAS J. BRICKLEY,
TRUSTEE**

¹ This amount is taken from the attachment to the claim, which does not comport with the amount stated in the claim as entitled to priority.

² The Trustee entered into a settlement with Claimant relating to leased equipment and potential preference claims as reflected by the Order at Docket No. 190. This settlement pre-dated the filing of this claim and hence did not resolve any issues related to the claim.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 28, 2022, I caused a copy of the foregoing Trustee's Objection to Claim of Myriad Supply Company (Claim 55) to be served by United States Mail, postage prepaid, on the following parties:

Myriad Supply
10 West 18th St., 8th Floor
New York, NY 10011

Law Office of Jay Dushkin
4615 Southwest Frwy, Suite 600
Houston, Texas 77027

By: /s/ Timothy L. Wentworth.

Timothy L. Wentworth